

IN THE SENATE OF THE UNITED STATES.

APRIL 30, 1858.—Ordered to be printed.

Mr. KING made the following

REPORT.

[To accompany Bill S. 302.]

*The Committee on Pensions, to whom was referred the petition of James Smith, now in Washington, praying to be allowed a pension, have considered the same, and ask leave to submit the following report:*

It will be seen by the letter annexed, from the office of the Adjutant General, that the petitioner was several years in the army of the United States, serving throughout the Mexican campaign and doing duty upon the frontiers of Texas, where he received the injury, while out with a scouting party, which has resulted in a permanent disability. The duty upon which he was engaged at the time of receiving the injury is regarded one of a hazardous character; and though the manner in which he received the wound does not appear in evidence, the petitioner appeared in person with an arm totally disabled, and stated that the injury was inflicted by a blow from a musket struck by the non-commissioned officer who was in command of the scouting party to which he was attached. The blow broke the arm and dislocated the elbow joint, and before the petitioner was able to return to camp and receive surgical treatment, a bony union of the joint had taken place, and left his arm so crooked as to be totally disabled. He remained in the hospital, he states, after his return until his wound was healed, when he was discharged from the service, on the surgeon's certificate, for ordinary disability.

The committee cannot avoid the conclusion that his injury was received while he was in the line of his duty, and, considering him entitled to a pension as an invalid, they report a bill accordingly.

The following is the letter of the Adjutant General referred to, marked A, and presented as a part of this report:

A.

ADJUTANT GENERAL'S OFFICE,  
Washington, March 17, 1858.

It appears on the records of this office that James Smith, a private of company C, 3d artillery, enlisted on the 20th February, 1847, for the war, and was discharged on the 6th September, 1848, by reason of expiration of service.

*Second service.*—Again enlisted on the 16th September, 1850, for five years, and was discharged on the 29th March, 1852, at Fort Worth, Texas, as a private of company F, 8th infantry, on surgeon's certificate of ordinary disability, for the following reasons: "On account of an irreducible dislocation of the head of the 'radius' of the left arm, rendered so by a fracture of the 'radius and ulva,' which occurred whilst he was absent on a scout; bony union having taken place prior to his arrival at this post."

S. COOPER,  
*Adjutant General.*

Mr. JAMES SMITH.